



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

SEP 12 2018

REPLY TO THE ATTENTION OF:

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Michael Dunlap II, Plant Manager  
DTE Energy – Trenton Channel Power Plant  
4695 West Jefferson Avenue  
Trenton, Michigan 48183

Re: Finding of Violation  
DTE Energy – Trenton Channel Power Plant  
Trenton, Michigan

Dear Mr. Dunlap:

The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to DTE Energy Company – Trenton Channel Power Plant (you) under Section 113(a)(3) of the Clean Air Act, 42 U.S.C. § 7413(a)(3). We find that you have violated the National Emission Standards for Hazardous Air Pollutants at the Trenton Channel Power Plant located in Trenton, Michigan.

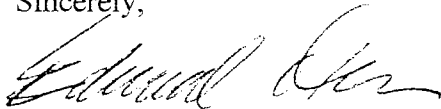
Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the FOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future violations. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the FOV prior to the conference date.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Eleanor Kane. You may contact her at (312) 353-4840 or [kane.eleanor@epa.gov](mailto:kane.eleanor@epa.gov) to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Edward Nam", written in a cursive style.

Edward Nam  
Director  
Air and Radiation Division

Enclosure

cc: Barry Marietta, Manager – Air Quality Services, DTE Energy  
Mina McLemore, District Supervisor, Michigan Department of Environmental Quality

1. Pursuant to Section 112(d) of the CAA, EPA is required to promulgate regulations establishing emission standards, known as the National Emissions Standards for Hazardous Air Pollutants (NESHAP), for hazardous air pollutants listed for regulation. 40 C.F.R. § 112(d).
2. 40 C.F.R. Part 63, Subpart A, contains the General Provisions for the NESHAP.
3. Section 112(i)(3) of the CAA, 42 U.S.C. § 7412(i)(3), prohibits any person subject to a NESHAP from operating a source in violation of a NESHAP after its effective date. *See also* 40 C.F.R. §§ 61.05, 63.4.
4. Section 112(n)(1)(A) of the CAA requires EPA to regulate electric utility steam generating units (EGUs) if it finds regulation is appropriate and necessary after considering the results of a study of the hazards to public health reasonably anticipated to occur as a result of emissions by EGUs of pollutants listed under Section 112(b). 42 U.S.C. § 7412(n)(1)(A).
5. Section 112(a)(8) of the CAA defines an EGU as any fossil fuel fired combustion unit of

more than 25 megawatts that serves a generator that produces electricity for sale. 42 U.S.C. § 7412(a)(8).

6. Section 112(b) of the CAA identifies mercury (Hg) as a hazardous air pollutant. 42 U.S.C. § 7412(b).

#### NESHAP for Coal- and Oil-Fired Electric Utility Steam Generating Units

7. EPA has determined that it is appropriate and necessary to regulate coal- and oil-fired EGUs under Section 112 of the CAA. 65 Fed. Reg. 79825, 79826 (2000); *see* 77 Fed. Reg. 9307, 9311 (2012).
8. Pursuant to Section 112(d) of the CAA, EPA promulgated the NESHAP Subpart UUUUU at 40 C.F.R. Part 63, 40 C.F.R. §§ 63.9980 - 63.10042, on February 16, 2012. 77 Fed. Reg. at 9464.
9. NESHAP Subpart UUUUU applies to owners and operators of coal- and oil-fired EGUs as defined in 40 C.F.R. § 63.10042. 40 C.F.R. § 63.9981.
10. 40 C.F.R. § 63.9982(a)(1) provides in part that an affected source is “the collection of all existing coal or oil-fired electric utility steam generating units.”
11. 40 C.F.R. § 63.9982(b)-(d) provides that an affected source is existing if it commenced construction or reconstruction of the affected source on or before May 3, 2011.
12. 40 C.F.R. § 63.9984(b) states that an existing affected source must comply with the NESHAP Subpart UUUUU no later than April 16, 2015.
13. 40 C.F.R. § 63.10000(b) provides that, at all times, owners and operators must operate and maintain any affected source, including air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions.
14. 40 C.F.R. § 63.9991(a)(1), referencing Table 2 to NESHAP Subpart UUUUU, states that an existing coal-fired unit that is not combusting low rank virgin coal must comply with a Hg emission limit of 1.2 lb/TBtu.

#### Relevant Factual Background

15. DTE is a “person,” as that term is defined in Section 302(e) of the CAA, 42 U.S.C. § 7602(e).
16. DTE owns and operates a coal-fired EGU identified as “EU-BOILER9A” (Unit 9) at 4695 Jefferson Avenue West, Trenton, Michigan. Unit 9 was constructed in 1995 and has a capacity of 520 megawatts. Mercury emissions from Unit 9 are continuously monitored with a sorbent trap monitoring system.
17. Unit 9 is an existing “affected source” as that term is defined in 40 C.F.R. § 63.9982.

18. In a letter to Michigan Department of Environmental Quality (MDEQ) dated April 25, 2018, DTE notified MDEQ of a deviation of Unit 9 from the Hg emission limit identified in Paragraph 14, above, that occurred from March 3, 2018, through March 12, 2018. The duration of this deviation was 10 days.
19. DTE described the cause of the deviation identified in Paragraph 18 above, as “insufficient activated carbon injection (ACI) into the flue gas caused by malfunctioning blowers in the ACI system.”
20. On May 16, 2018, MDEQ referred the matter to EPA, as Michigan has not been delegated the authority to enforce NESHAP Subpart UUUUU.

#### **Finding of Violations**

21. By failing to operate and maintain the air pollution control system associated with Unit 9 with good air pollution control practices for minimizing emissions, DTE has violated 40 C.F.R. § 63.10000(b) and Section 112(i)(3) of the CAA, 42 U.S.C. § 7412(i)(3).
22. By exceeding the Hg emission limit from March 3, 2018, through March 12, 2018, DTE has violated 40 C.F.R. § 63.9991(a)(1) and Section 112(i)(3) of the CAA, 42 U.S.C. § 7412(i)(3).

#### **Environmental Impact of Violations**

23. DTE’s violations of the above-referenced NESHAP have caused excess emissions of elemental mercury. Acute and/or prolonged exposure to elemental mercury in humans results in central nervous system effects, including tremors, emotional changes, insomnia, neuromuscular changes, headaches, disturbances in sensations, changes in nerve responses, and poor performance on tests of mental function. Higher exposures may also cause kidney effects, respiratory failure and death.

Date

9/12/18

Edward Nam

Director

Air and Radiation Division

## CERTIFICATE OF MAILING

I certify that I sent a Finding of Violation, No. EPA-5-18-MI-09, by Certified Mail,  
Return Receipt Requested, to:

Michael Dunlap II, Plant Manager  
DTE Energy – Trenton Channel Power Plant  
4695 Jefferson Avenue West  
Trenton, Michigan 48183

Article # 70170530000062892457

I also certify that I sent copies of the Finding of Violation by e-mail to:

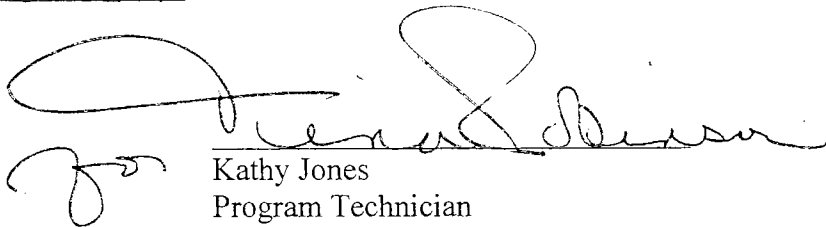
Barry Marietta  
Manager – Air Quality Services  
DTE Energy  
[Barry.Marietta@dteenergy.com](mailto:Barry.Marietta@dteenergy.com)

Jenine Camilleri  
Enforcement Unit Supervisor  
Air Quality Division  
Michigan Department of Environmental Quality  
[CamilleriJ@michigan.gov](mailto:CamilleriJ@michigan.gov)

and

Mina McLemore  
District Supervisor  
Air Quality Division  
Michigan Department of Environmental Quality  
[McLemoreW@michigan.gov](mailto:McLemoreW@michigan.gov)

On the 13<sup>th</sup> day of September 2018

  
Kathy Jones  
Program Technician  
AECAB, PAS